

Assurances



**CALFED
BAY-DELTA
PROGRAM**

1416 Ninth Street, Suite 1155
Sacramento, California 95814

(916) 657-2666
FAX **(916) 654-9780**

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To: CALFED Policy Group

From: Lester A. Snow, Executive Director
CALFED Bay-Delta Program

Snow has for

Subject: Assurances

Summary

Program staff working with the BDAC Assurances Workgroup have developed three preliminary approaches to implementing the Ecosystem Restoration Component of the long-term program. The Workgroup is analyzing the costs and merits of each proposal and examining assurance options for the other CALFED Bay-Delta Program components. In addition, the Workgroup is discussing a plan for the phased implementation of the program and its role in helping craft the Habitat Conservation Plan and Natural Community Conservation Plan process.

Action Item

This item is included for informational purposes only.

Detailed Discussion

Once the CALFED agencies select a long-term solution, they will need to assure that the solution will be implemented and operated as agreed. In addition, the CALFED Agencies will need to design a process to address a situation where a key component of the solution cannot be implemented. The BDAC Assurances Workgroup is trying to assure that the program is implemented; it is not trying to assure any specific outcome of the program.

Program staff in working with the workgroup have developed three differing entities to implement the Ecosystem Restoration Component of the Program.

The first uses the existing CALFED agencies to implement the Program with CALFED coordinating the agencies' efforts and mediating disputes. A citizens advisory committee

CALFED Agencies

California The Resources Agency
Department of Fish and Game
Department of Water Resources
California Environmental Protection Agency
State Water Resources Control Board

Federal Environmental Protection Agency
Department of the Interior
Fish and Wildlife Service
Bureau of Reclamation
U.S. Army Corps of Engineers

Department of Agriculture
Natural Resources Conservation Service
Department of Commerce
National Marine Fisheries Service

would provide public comment on implementation. All of these elements would be laid out in an Implementation Plan to be included in the Programmatic EIR/EIS.

The second approach uses a joint powers authority to implement the Ecosystem Restoration component and CALFED to coordinate implementation of the other Program components. This option also includes a citizens advisory committee and an Implementation Plan.

The third approach creates an ecosystem restoration authority to implement the Ecosystem Restoration component. This entity would include citizens on its governing board. It is currently designed to have a CALFED-like entity provide oversight and coordination with implementing other Program components. In addition, this option includes an Implementation Agreement that would set out the schedule and tools for assuring implementation. This Agreement would be signed by CALFED Agencies and stakeholders. (This Agreement is sometimes referred to as the Accordo Grande.)

Regardless of which program alternative or management entity is selected, the CALFED agencies must also decide in what order to implement actions, and how to tie the actions together in logical phases. The challenge in implementing a program in phases is to allow actions that can be taken immediately to occur, while assuring that each interest group has a stake in the successful implementation of the entire program. Staff is preparing a plan for the phased implementation of the program. The general phases include actions to be taken:

between the present and the completion of the programmatic EIR/EIS;

during the transition period from the certification and Record of Decision for the EIR/EIS to the time when all necessary entities, authority and adequate funding are available;

during near-term implementation; and

in long-term implementation.

The Workgroup is very interested in the assurances that can be provided in a Habitat Conservation Plan and/or Natural Community Conservation Planning effort. An HCP/NCCP would provide assurances that restoration actions for endangered species as described in the ERPP would be implemented. It likewise would identify specific avoidance, mitigation and minimization strategies for addressing Program actions that could effect listed, candidate and species of concern. In exchange, the permittee would receive some level of regulatory certainty that if the HCP/NCCP were being implemented appropriately that additional regulatory requirements would not be applied to the permittee except under certain pre-defined circumstances.

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Because an endangered species planning process addresses fundamental ecological questions, the BDAC Ecosystem Workgroup will also be helping craft the HCP/NCCP.

The Assurances Workgroup meets again October 24 and will discuss these and related issues. Please contact Mary Scoonover at (916) 327-7880 if you have questions or comments regarding the Assurances Program.